

ALBANIAN HELSINKI COMMITTEE

REPORT

The Albanian Helsinki Committee's activities

January-April 2003

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PUBLIC STATEMENTS

ONCE AGAIN AGAINST POLICE VIOLENCE

Since the beginning of the discussions about the death of the citizen Gazmend Tarhillari in Korça, there were doubts as regards the use of violence on the part of the police. The correspondent of this committee for Korça, Ms Ketj Qirinxhi, expressing AHC attitude, protested against the use of violence on the part of the police.

AHC has high-lighted more than once the use of violence on the part of the police and has declared them publicly. The appeal was addressed to the order bodies to take relevant measures to avoid the violation element within their ranks. The repeated examples of the use of violence culminating with the abovementioned case, unfortunately show that no due attention is devoted among the police ranks.

AHC hails the declaration of Ombudsman Mr. Ermir Dobjani, who in the annual review report of the State Police, voiced his concern and openly denounced the numerous cases of the violence use on the part of the police.

AHC also notes the statement of the Minister of Order Mr. Luan Rama who accepted the police responsibility and its implication in violent acts that are severe violations of the law. Let's hope that this



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painful case turn into an alarm bell to review the situation in the system of the order bodies, with the aim that the police strictly enforces the law and accomplishes its function to protect citizens rights.

It is the duty of the prosecution bodies to analyse this case, share responsibilities and take action against the law violators.

Tiranë, 09.01.2003

MORE CONSIDERATION TO HUMAN HEALTH

According to the press reports there are almost three weeks that in the district of Laç the disease of viral hepatitis burst and spread out. Officially there are 122 cases that have affected mainly children aged 5-15 years old. There are two different versions provided by the Ministry of Health and the representatives of the local power bodies, on one hand mention is made of an epidemic, whereas on the other hand the situation is described as a disease with some limited cases now under control.

There are controversial data also about the treatment of this disease. It is obvious that the hospital can not manage to face the current situation and there have been cases when patients were sent home.

AHC expresses great concern about the situation created in Laç. It has established contacts with both the Municipality of Laç and the Ministry of Health. On his part, the Mayor of the Municipality stated that due to the scarce investments, it could not intervene about the problems identified in the district, especially about the sewerage and the water supply system. Moreover, it is incapable of confronting appropriately this situation. According to him, the Municipality of Laç obtained much fewer funds compared with those of the other municipalities in the country.

In contact with the Ministry of Health, AHC has been ensured that this situation is getting due consideration. In addition it is revealed that the origin of the Viral hepatitis A is the depreciation of the drinking water network in the most marginalized neighbourhoods.

Albanian Helsinki Committee demands that the bodies empowered to check the hygiene must impose periodic controls of the water, inform public about the protective measures taken in cases of potential water pollutions. Furthermore, AHC appeals for immediate intervention in the water supply network, the depreciation of which is

a threat that diseases infect the general population not only in Laç but in other districts of the country as well. AHC insists about the prioritization of this very urgent issue.

AHC appeals that the situation created in the district of Laç be put under control with the combined commitment of the local and central power, in cooperation also with the specialized institutions.

Tiranë, 10.I.2003

LAW IS THE HIGHEST AUTHORITY

There are lots of reports in the media about vendetta and blood feuds. The situation is appalling when the great figures of the confined people due to vendetta and blood –feuds are made known. The figures do not exclude women and children, which is in contradiction with the old customary standards, a situation now incongruous with the current order in our country.

AHC reiterates the view expressed many times that we lack the state and the law. The problem instead of being restricted and avoided, continues to be distressing. In these conditions it is indispensable the serious intervention from the state authorities at different levels to prevent this entirely illegal and inhuman phenomenon. In this aspect we must take into consideration the constitutional norm, article 21 stating that the person's life is protected by law.

AHC has highlighted that this situation is mainly related to the limitations of the system of the judiciary bodies. It is precisely this, one of the reasons that individual citizens are oriented to self-judgment. Thus the judicial bodies must accomplish their duty on legal grounds, by holding the law offenders accountable.

To prevent this phenomenon it is necessary that, alongside the state bodies, the civil society must be seriously committed. There are several organizations and foundations that aim at reconciliation of blood-feuds and peaceful settlements of disputes in the spirit of the laws in force.

AHC takes notice that this phenomenon needs special consideration and any negligence will have serious consequences. In fact, this phenomenon undermines the rule of law. By sharing the profound concern of the overall public opinion, AHC appeals to urgently consider this issue and tackle it as a priority of the entire Albanian society.

Tiranë, 30.I.2003

GRAVE SITUATION IN THE ONCOLOGY HOSPITAL

Incited by the reports in the electronic media, a group of AHC visited the Oncology Hospital to closely observe the grave situation created there. Contacts were established with the serving staff there, and the patients as well. The apparatus in the hospital installed many years ago operates but with frequent defects and with long pauses. This can be the cause of fatal consequences for a considerable number of patients, that indispensably need ray treatment. Moreover the treatment is complex, it is effected with chemotherapy and medicines. When the rays and the treatment are not done at the right time, this causes the deterioration of the sick person. In fact, it is made known that the health conditions of a number of patients have worsened.

In addition such an apparatus is estimated to satisfy the needs of 500 thousands people. This makes the current situation even more serious. Not to mention that this apparatus serves the Albanian patients in Kosova, as well as a number of patients coming from Macedonia to get ray treatment.

There is no excuse about this carelessness and disregard related to peoples lives. This is at the limit of a crime endangering life. It goes against the constitutional principle according to which “a person’s life is protected by law” The constitutional law demands that urgent measures be taken to end up this situation. Urgent action must be taken to put it into operation and to maintain the cobalt apparatus in order to make up for the lost time in the treatment of all the patients in need.

AHC sides with the patients and the staff by denouncing the situation created in this important sector of health.

This problem holds the Central Government accountable. It is up to it to act urgently by providing the equipment of this institution with a new apparatus, and the respective medicines.

Tiranë, 01.II.2003

**APPEAL TO URGENTLY HELP
THE VICTIMS OF THE COLD WEATHER AND THE RAIN FALLS**

There are reports throughout the country about natural calamities caused by the cold weather and the rainfalls. There are numerous families that are suffering the consequences of these calamities. There are homeless families for years and left at the mercy of the fate. There are cases of human lives losses. There are many families whose members are either victims or languishing in a severe health situation due to the severe housing conditions caused by the flooding or other natural calamities.

There are letters addressed to the Albanian Helsinki Committee where citizens complain about the lack of attention on the part of the state bodies related to housing, facilitation and payment of their damages in cases of natural calamities. In one of the numerous letters we can sort out that of a family from the village of Gurre e Madhe, Mullet, that lost two children and other members are in a critical situation, because their house was destroyed by the heavy rainfalls and they live in the open air. Likewise the media reports about a serious situation of some families in the district of Elbasan and Tepelena due to land sliding.

Confronted with the situation created it is demanded that the state intervenes urgently to assist without delay the families in need to face this severe situation. AHC notes that the protection of the individual's life is a constitutional principle. Article 21 of the Constitution of Albania states clearly that "The individual's life is protected by law". Also the Constitution in article 59 defines the social objectives of the state for the achievement of which the relevant bodies can employ the available means to assist the citizens in such situations, among them housing, the most significant one.

It is obvious that the Council of Ministers decision NR 206, dated 26.03.1998 "About the Criteria of the state involvement in confronting damages in cases of calamities" and the amendments made to this decision with the Decision Nr. 708, dated 29. 01.2000 that compels the offices of civil emergencies to recognize the situation and draft the set of documents, by ensuring the state involvement in confronting damages in cases of calamities. These offices and the other state institutions are not limited to the drafting of documents, but they also need to concretely assist the families in need by solving their problems right in time.

Based on the aforementioned:

1. AHC appeals to the local state institutions to precisely identify the cases of the families in need
2. AHC appeals to the interstate central and local institutions to provide urgent assistance to the victims of natural misfortunes and not leave them at the mercy of their destiny.
3. AHC appeals to the state to seek for concrete support of the business associations inside and outside the country.
4. AHC appeals to the state to coordinate efforts with those of the humanitarian organizations in order that the assistance be effective and timely.

Tirane, 10.II.2003

AN INTENSE ATMOSPHERE IN THE PRESS CIRCLES



"Albania" Newspaper, dated 04.03.2003

Recently it has been witnessed that an intense atmosphere is prevailing the press circles. There are concerns and complaints expressed about pressures claimed to have been exerted by different politicians to impose their attitudes and opinions to the press. If this is asserted, then we are facing attempts for the manipulation of the press, with the aim of prohibiting the

accomplishment of its mission as an independent institution by pertaining to the rules defining the freedom of press. It is not in vain that the press is considered as the fourth power. It is an indispensable element in a democratic society as a conveyor of opinions.

AHC notices that so far no accurate answer is given to these claims and complaints. Silence prevails, a thing allowing space for arbitrary and groundless interpretations.

The last day the atmosphere in the press was even more intense. A notably publicist, Fatos Lubonja has been the object of a suit filed against him. The charge is based on a report that the journalist has borrowed from the press about the purchasing of a considerable

amount of shares by the TV channel “Arbëria’ on the part of a public personality. Thus, we are faced with a conflict - the journalist versus a public personality.

It is well-known the principle defined in different decisions of the European Court of Human Rights after which the public personalities are more exposed to criticism and remarks than the common citizens. It may happen that these criticism and remarks can be excessive and groundless. Then the public personality is entitled to sue for libel and submit his facts.

AHC shares the opinion that this is the fairest way when a public personality is involved. Faced with the facts the reputation of the journalist is hurt. But no trial. An open trial versus him, bears the bitter taste of state intervention and of an extreme intolerance on the part of those who in one way or another, are related with power and being such are ranked among the public personalities.

Despite this case, AHC considers that it is the duty of the journalist to stick to journalism ethics and observe the right of privacy and of public people.

Tiranë, 03.III.2003

A CRIMINAL ACT AGAINST AN OUTSTANDING INTELLECTUAL

AHC shares the profound indignation created in the wide public the criminal act against the life of the outstanding intellectual Prof. Dr Ylli Pango, Dean of the Faculty of Sociology. There is only a feeling of relief that he had a narrow escape, that is quite likely that he will return soon in the teaching and scientific activity and his private life.

Prof. Ylli Pango is distinguished not only about a high level of pedagogical activity, but also about his active participation in the public life. The wide public is very familiar with his debates in which Prof. Pango has been an advocate of free speech.

The powerful bodies must consider this case urgently and seriously in order to identify those unaccountable and criminal elements that raised against Prof. Ylli Pango, and the motifs of this offense.

Tiranë, 07.III.2003

POLICE VIOLENCE - FLAGRANT VIOLATION OF THE LAW

There are two letters addressed to AHC. The former is from the Chief Alderman of Borje village in the district of Kukës and the latter from AHC correspondent in Kukës.

These two letters submit serious complaints towards the brutal behavior of the police on the occasion of the escape from prison of Kukës of two prisoners, both from the village of Borje condemned with long-term sentences from 13-15 years. From that day on, the police of Kukës is in pursuit of the two fugitives as it is prescribed in the law. These two dangerous elements must be captured and serve their sentences according to the respective judicial verdicts.

But it is reported that the police forces, by attempting to capture the criminals and their accomplices who have contributed to their escape, have exceeded their powers and have not enforced the law and have created a serious situation in the village of Borje. The residents of the village have complained that the police forces have created a psychosis of violence and they are seriously suffering this situation. The order forces have demonstrated brutal behavior and threats against the residents. There have been searches in a number of houses where there was considerable damage. There were detentions as well.

The residents of the village of Borje are extremely shocked by this situation they consider as 'outreaching the limits of patience and tolerance'.

AHC denounces any police violence exerted in contradiction with the law and appeals to the General Prosecutor's Office to tackle this issue seriously and take the appropriate measures to enforce the law.

Tiranë, 11.IV.2003

THE CRISES IN BATHORE CAN BE SETTLED ONLY WITH UNDERSTANDING AND ON LEGAL GROUNDS

It is long time that some basic problems have emerged in the suburbs of Tirana in the area of Bathore, still insolvable related to the houses and their legalization. The powerful bodies, by turning a deaf ear to these problems, provoked reaction of the citizens. There have been frequent promises for their settlement but the situation continues to be serious. There have been no attempts to solve these acute and serious problems. They lack water, electricity, the adequate infra-structure.

AHC shares the opinion that this delay to the solution of their problems by the authorities, is the cause of the outbreak of reactions on the part of the citizens. But nevertheless violence is not the resort to solve these problems. It is reported that while in action many members of the order forces are injured and this goes beyond the limits of a peaceful protest.

Understanding between residents and the authorities aiming at the quick and legally-based settlement of the problems is needed.

It is of great significance to launch the arrangement of a round table where the residents can submit their problems and the authorities have concrete commitments to stop delays witnessed over the recent years.

Tiranë, 25.IV.2003



AHC's reaction published in "Shekulli" Newspaper, dated 26.04.2003

MONITORING MISSIONS

During the period January-April 2003 Albanian Helsinki Committee has been very active by arranging frequent missions in some districts of the country about the situation of human rights in the country. There have been arranged some meetings about the situation of minority and community rights in Albania, children rights, observance of rights by the citizens and police bodies, public administration, institutions of the judicial system and those of the health public service, etc.

In this report there follows a descriptive information on the problems, concerns and the limitations noticed during the monitoring missions of AHC in the districts.

GYPSY COMMUNITY

In order to closely watch the in-field situation of the gypsy community the monitoring group went to some districts of the country, with the aim of identifying the living condition of the gypsy community, its economic, health, educational situation and social problems that make this group one of the most marginalized categories of the society.

The monitoring group got acquainted with the situation and arranged some meetings in the community, meantime it attempted to get information and confront the problems also in the meetings with representatives of the local power, heads of the educational, health and order institutions etc.



During the monitoring of gypsies in Cerrik

On the date **18.03.2003**, the monitoring group paid a visit to the gypsy community in the district of **Cërrik** in the meeting with community representatives, it came out that in the neighborhood of "Ferma" in Cërrik there lived 312 gypsy families, about 1800

inhabitants. Out of these families only 10 people are employed (in cleaning and maintenance). They survived mainly through begging. Parents, children, since the early hours in the morning, walked for miles on end to reach the train station (Paper), and from there to, in Tirana and Durres to beg, and arriving very late in the evening.

Representatives of the affiliation of the Gypsy Society in Cërrik complained about the discriminatory attitude kept against the people of the community as regards employment. Even where there are in rare cases employment opportunities on the part of the state, the rest of the population was given priority (as it had happened in the case of some jobs in city cleaning)

A small part of the gypsy families benefited from social assistance (symbolic for their economic situation), whereas the rest do not benefit it, according to the community claims they were fairly deprived of it. Part of the families were provided pieces of land, as property but they could not till them as they had no financial and material opportunities.

The monitoring group entered their living facilities of some of the gypsy families. The conditions they lived in were inhuman: shacks, void of ceilings, void of windows, with a soil floor, with a complete lack of the hygienic-sanitary conditions, there were cases where in such premises lived 6 to 9 people. A number of families had electricity shortages, because of not paying due to the lack of the financial resources, the same was true for almost all the unemployed families where people lived on begging or an occasional job. There were days when no meal was served during the day, or only a meal a day. A family that came from Burrel for years, had no means of living, as the main meal of the day they had wild-weeds. For years on end, their living depended on debts.

Most part of the families in this area of Cërrik settled there after the years 90 -ies, or in the recent years, the houses they lived in were not their own property, but rented, or left to be supervised by the house owners, living abroad. Having extremely bad hygienic conditions, people suffered from chronic diseases, asthma, different hepatitis, tuberculosis, rheumatism etc.

The monitoring group drew conclusions about the severe situation in the field of education. A part of the children attended the 8-grade education, but generally not achieving to finish it, the reasons of this non-attendance and school abandonment, came as a result of the lack of the economic conditions, inability to provide the substantial basis at a time when parents preferred to take their children to

begging. In the neighborhood of “Ferma’ there were 60-70 gypsy children all in all, aged 6-7 years old, out of whom, less than 34 attended school, often without succeeding to finish it.

As regards the situation of criminality, this community posed no problems, and any specifics. However, distressing was the fact that many women were victims of the trafficking of human beings.

A common complaint was the indifference of the local power bodies. After the data of the member of the Municipal Council of Cërrik, member of the community as well as member of the affiliation of the society, this Council had never particularly analyzed the grave social-economic situation of the community.

On the date **27.03.2003**, the monitoring mission of AHC got acquainted with the situation of the Gypsy Community in an area of **Tirana** “ the former Military Unit”. The monitoring group visited the living houses of this community, where it identified living condition at a highly minimal level. A large number of people lived in very small living areas. For days a number of families had no electric power, due to lack of the financial resources to pay.

From the conversation with the people of the community it came out that the families lived on a dole of 2000 leks per month, which was mainly used to buy medicines for the family members that suffered from different chronic diseases as a consequence of the no-so-good living conditions.

The economic situation was very severe. Children were too malnourished. There were cases when no meal was served during the day and that influenced their development and morbidity. There was no question of employment in the state administration. The community complained that there were people employed in the community cleaning service, but later they were dismissed to be replaced by other people belonging to “white race”, that came from the northeastern part of the country. According to their opinion, as regards the employment issue and solution of the serious social-economic problems, they encountered discriminatory mentalities also on the part of the representatives of state institutions that differentiated them because of being ‘gypsies’

Most of the children of the gypsy families at school age didn’t attend school. The main argument of the parents was the difficult economic situation that couldn’t afford the children needs for clothing, school tools etc. Children of the community felt themselves discriminated and inferior. However from the communication with the

parents and the children, the monitoring group drew the conclusion that awareness about the need and significance of education in this community (despite the economic situation and the financial means), was very low, although there were present cases of emancipation and economic growth in the conditions of secondary and rarely university education.

In the conversations with people from the community, parents and children there were cases attribute as “discriminatory” at school, as there was a case of separation and placing gypsy children at the rear desks, of contempt that “they polluted the environment” or a case of a teacher who in the lesson of history called the gypsy race as a “cannibal” race.

To address the raised problems, claims and complaints as well as the grave social economic situation of the community, the monitoring group had meetings with the local power authorities of the area. According to the representatives of those bodies, this community has its own features: families have a great number of children, marriages are done at an early age and there are many cases of divorces. Many families live on the dole. For cases when these families are offered a job versus the cancellation of the dole, they did not accept.

Problem for the community remained the lack of nurseries and schools within reach for the inhabitants.

After the complaints received, about cases of discrimination at schools, the monitoring group had meetings with the head master of the 8-grade school "Bajram Curri" as well as the head mistress of the 8-grade school 'Gjon Buzuku", in which there are taught a contingency of gypsy children. After them, for the students of this community it is still a problem school attendance, which is presented by ever decreasing figures with passing from the elementary level to the superior level, their number is halved whereas at the 8-th grade it mounts to 5 %.

School "Bajram Curri" is involved in some projects, with the aim of integrating children with social problems, most part of whom belongs to Roma and gypsy community. Application of intensive courses, funded by foreign association that operating in the field of education, has contributed to the integration of children, by reducing the number of those abandoning school. However, the temporary projects, with its efficiency are still a promoting factor that contributes to the improvement of the situation but also the change of mentality and awareness about the role of schools in the emancipation and

improvement of the social-economic conditions are a permanent duty of the gypsy association, intellectuals and the most progressive part of the community.

On the date **08.04.2003**, in the context of the monitorings in the Gypsy community, AHC representatives visited the town **of Kavaja**, where a great contingency of this community lived.

In the meeting with the Mayor of the Town Hall, there were identified the acute social problems of this community. The main concern that the mayor presented was non Registration of the Gypsy association in the town hall of Kavaja, which led to the



Gypsies in Kavaia

fact that the complaints forwarded to the municipality on the part of the community, precisely for this reason were sporadic and individual. In this situation, the municipality had not taken specific measures for this community, but had treated them as the rest of the population whereas education and employment policy making, (few work in cleaning the town) generally the support and treatment of the gypsy community, according to the Mayor of the Town Hall would be more effective if it was done on institutional basis, a thing that needed the commitment lacking so far on the part of the representatives of the Association for the identification of needs and demands.



With gypsies in Kavaia district

Related to the problems of education, the group held meetings with the principal of the school "3 Dëshmorët", where he got to know that after the third grade there was a mass school abandonment from the gypsy children, although the teaching staff attempted hard to return

them to school through the free provision of the material aids, conversations with the parents, awarding different stimulating and moral prizes etc.

In the village of "Shtodhër", where there is a concentration of a considerable contingency of gypsy families, the monitoring group had meetings with the principal of the 8-grade school "Shtodhër", who knew the community very well and had identified data about the contingency and the situation of school attendance from the gypsy children. In this school, out of 257 pupils, 76 pertained to gypsy community. A great concern was school abandonment from the children, after the 4-th grade. According to the principal, this happened because of the early marriages from the girls.

The monitoring group went in-field to the neighborhood 4, the problems encountered were more or less the same with the previously monitored areas. The community lived in not-so-good conditions. The living conditions in general, the economic conditions were extremely bad. There was a complete lack of hygiene. During the visit of the monitoring group, the neighborhood was without water for more than 4 weeks, due to a technical defect. The delay in the solution of the problem was interpreted as an expression of discrimination. The families lived mainly on the dole, women were housewives, whereas men unemployed or had occasional jobs.

In the neighborhood 1, the situation was a bit different, as part of the community was educated, there were even people that have completed secondary education. The group had meetings with community representatives, employed at the order forces. Where there was a will to be educated, the social economic situation was different.

From all this monitoring, AHC mission group reached the conclusion that more needed to be done on the part of the state about the drafting and implementation of the specific social policies; moreover a greater contribution was demanded on the part of the civil society for the integration of this part of social category, economically vulnerable and socially marginalized in the society and in normal living conditions, by respecting human rights.

On the other hand the community itself, its intellectual representatives and the gypsy association have more grounds to be more active in the achievement of demands as well as in working with the community, especially in the field of education, health education etc.

GREEK MINORITY IN GJIROKASTËR

In the context of the project during April a visit was paid to the area of Greek minority in Gjirokastër to watch the situation about the rights of this minority.

The main directions where AHC monitorings focused related to Greek minority, were: coexistence of the minority with the rest of the population in the areas where it lived, consideration if there were discrimination cases, observance of the right of education in the mother tongue, the situation of the health service in the minority areas, representation in the public administration and local power bodies, active participation in the cultural social and economic life, access to the Media, preservation and strengthening of ethnic identity, links with the mother state etc.

The problems are monitored from the view of the observance of the minority rights. AHC is based on the European Convention of Human Rights, Context Convention for the Protection of National Minorities. Constitution of the Republic of Albania as well as other legal act and by-laws.

Methodology employed

During the monitoring mission, AHC has arranged meetings with heads of the local power bodies, state institutions covering education, health, order, representatives of the local media, "OMONIA", Association etc.

A significant place was taken by the meetings with the heads of the minority communes and other directors of the educational and health insitutions in thes communes, with which a wide range of problems was discussed, the meetings with the community were a very significant part of the activity of the monitoring mission.

Through the afore mentioned meetings it was made cavailable access to information from different sources, their verification with the aim that the drawn conclusions be as objective and as responding to reality.

Conclusions of the monitoring mission

The general consideration of the monitoring mission, on the basis of the confirmations and statements of the representatives of the local power bodies, heads of the institutions, "OMONIA" organization, of the common people from the minority or the rest of the Albanian population is the excellent coexistence, the spirit of tolerance,

understanding and emancipation in the relationship of the minority with the rest of the population.

There were no cases of discrimination or relationships of inequality or maltreatment on grounds of nationality.

Problems of the economic development, living conditions, infrastructure etc.

Conditions of the market economy and migration opened the way of investments and the growth of the local (minority) business, by considerably improving the economic situation of the area. A number



Greek minority in Gjirokaster

of companies and private large business companies operate for years especially in the area of Gjirokastra, whereas generally the medium and small business has assumed wide proportions.

There is a return of the migrants, in the conditions where the private initiative has

bloomed, a sign of the perspective of return is the reconstruction of the houses or the new constructions of the surrounding environments.

Supply with electric power has improved with two to three hours of cuts during the day whereas the payment by the minority population is made correctly (a general characteristic this of the minority areas). Problems of the supply of the drinking water for some villages, are still insoluble due to the depreciation of the water supply system. The situation of the roads is less than satisfactory.

There is a lack of the telephone networking throughout the minority area, the communication is effected by mobiles.

However, the situation about the aforementioned problems in the context of the overall situation of the country, and moreover if compared with the minority there are relatively better indicators, as there are under process of implementation a series of local projects for the improvement of the electric, water supply and road networking.

Education

Based on the Framework Constitution for the Protection of National Minorities, minority members have the right to education in their mother tongue. The eight-year schools, within the minority areas, act in compliance with the law regarding the percentage of academic subjects taught in both languages. During the first four years of the eight-year school, this percentage is 90 % subjects taught in Greek languages, and 10% taught in Albanian language, while during the second four years of the eight-year school these percentages are respectively 70% and 30%. During the four-year middle schools (or high schools), subjects are taught in Albanian language, while according to the curricula, the students have two classes of Greek language, two times a week. With emigration, the number of students attending school has steadily decreased. Nevertheless, the Albanian Government has not closed these schools, but has continued their financing, although with the minimal number of students enrolled in them (2-3 students per school). In the minority living areas the rate teacher-student is quite narrow: one teacher for six to seven students.

The overall situation of the school facilities is satisfactory. The Government has financed their rehabilitation and maintenance. The emigration phenomenon has significantly reduced the number of the students, and as a result some schools have been transformed into center schools, gathering students from other village-schools. This has proved to be a solution with positive effects since it affects the quality and effectiveness of teaching, reducing the number of collective classrooms, which size represented a major problem. AHC assesses as positive the Government support in providing school transport for the children who need to commute.

Another problem identified in the minority schools remain the on time supply and provision with schoolbooks. The lack of General History textbooks as well as History of the Greek Nation, have affected the appliance of the curricula, especially regarding the latter subject, for which students have had to take down notes in the absence of the textbooks. Also, there are no recent editions of textbooks used for other subjects taught in Greek language, therefore student are studying with the republished editions of the old textbooks, first published in 1993-1994.

Another problem is the difficulties children of the minority face in learning and practicing the Albanian language. This difficulty is felt even more when first attending high school, where all subjects are taught in Albanian language. In Gjirokastra city, was established a eight-year

school, intended for the Greek minority students, as well as a Teacher's Training School, which offers diplomas in Greek language.

In 19994, the University "Eqerem Cabej" in Gjirokastra, opened its Department of Greek languages and started offering diplomas in Greek Language. Now, a considerable number of minority students, graduate in Greek Language/Literature. It has been suggested to change the nature of this Department in order for it to function as a kind of Teacher's Academy, which will prepare teachers of minority school in other subjects as well. This could result in the reduction of the number of minority members leaving the country to complete their higher education in Greece.

Health

The overall state of medical services in the villages inhabited by the Greek minorities seems to be positive. The minority areas have their own health centers equipped with the necessary medical personnel. There are some remote villages with no local medical facilities, no ambulances or health centers. Meanwhile, it is being currently invested to build new health centers and clinics as well as upgrade the existing ones. There is a limited assess to private pharmaceutical and dental services.

Law and order issues

In one of the meetings with the Chief of the Police Station in Gjirokastra ,as well as with those in Communes, was confirmed that there are no concerning issues regarding the overall security situation, which appears generally stable. This is due to the minorities' emancipation level, their observance of the law, and good communication skills and relationship with their neighbors and the immigrant population.

Participation in public administration

In the meetings the monitoring group held with the representatives of state institutions and "Omonia" Minority Organization, was discussed the participation of minority members in the local government units. The "Omonia" Organization claimed a very low participation of their members in these bodies. In these meetings, through discussions and in field-verification of this problem, it was found that there is a considerable number of intellectual minority members who serve in the local authority structures, public administration, public order forces, etc. But, representation in institutions such as public order, depended on the qualifications of the applicants.

Use of local government competences and other related issues

Leaders of some communes in the minority area raised the question of consolidating of local government economic power, in order for it to be able to exercise in full its authority and its competences. They requested a comprehensive regional policy on investments. Commune leaders as well



During the monitoring mission, Greek Minority in Gjirokastra

as the representatives of the “Omonia” organization, expressed the need to have formal documentation written in two languages, as well as topographical signs, set up in villages which have often been destroyed by specific elements, giving way to political interpretations. The monitoring group, believes that these acts should be considered as sporadic and committed by specific ill

doers. While, the communities should do more in finding the ways to safeguard this labels, it is in the duty of the police to act swiftly and effectively in apprehending the authors, leaving thus no room for speculation.

Media, cultural and artistic life, etc.

There are some types of printed media published for and by the minority, such as newspapers and magazines, while Radio Gjirokastra and some other private radio stations broadcast prog-rammes in Greek languages and cover a wide range of problems faced by the minority. There is room for improvement in the quality and quantity in the local media coverage of minority problems. In this area, the population can watch Greek TV stations, the Albanian national state-owned TV-station, TVSH, and some other private Albanian television networks. In the mountainous villages there are difficulties in receiving the televised waves, due to the geographical position and lack of transceivers (transmitter and receiver).

Problem of preserving and developing the ethnic and cultural identity

Minority representatives in the town councils and those of the “Omonia” Organization claimed a scarcity of artistic and cultural life in the minority area, once distinguished for its high diversity. The only entertaining activities during free time are artistic and sportive activities, organized by schools. The representatives claimed that the Albanian Government and the Ministry of Culture, Youth and Sports should do more in this respect, but in the opinion of the monitoring group, it is the minority population itself that should encourage similar initiatives, in order to further promote its cultural identity and to strengthen the preservation of its traditions.

The monitoring missions on the state of human rights of the Gypsies and Greek minorities, were part of the the Project “Diversity and co-existence of minorities with other communities in Albania-a important factor for regional stability”, supported by the Council of Europe, in the framework of the Pact of Stability.

**FROM THE MONITORING MISSIONS
OF OUR CORRESPONDENTS IN CITIES**

In these last few months, we have received continuous information based on the field observations of our correspondents working in seven different cities in the country. In the paragraphs below, are mentioned some of the most acute problems encountered in this period.

Judicial organs observance of the rights of citizens

Our correspondents in Vlora and Gjirokastra have observed different kind of problems, out of which we can mention the non-execution of court adjudications regarding alimony upon dissolution of the wedlock, and other civil charges. Our correspondent in Gjirokastra has noticed violations of the human rights during trial proceedings, especially in their delay. In the District Prosecution Offices of the abovementioned cities, it has been noticed the phenomenon of suit withdrawal of mainly Roma minority members filing for child custody. The observations of our correspondents in the cities show that there is a good relationship between the Prosecution

and the police. In some cases, the Prosecution has assisted the Bailiff's office in the execution of court orders, a cooperation that has resulted in the execution of 12 court orders, within a short period of time.

Children's Rights observance in different sectors

Different problems have been observed in the education sector of Vlora, Gjirokastra and Shkodra cities. In our correspondents' report the phenomenon of students' dropout of the eight-year school of basic and compulsory education, it is stated in concrete terms. The respective law is not enforced on this part of the population, and neither are the foreseen penalties against the parents, who permit it. This leads to the increase in the number of illiterates. These data have been verified in several urban and rural areas School Directories of the abovementioned cities. Also, observations in these schools showed that the young do not have the necessary and full information on their rights, although they have their own youth structures organized in schools, and actively participate in the solution of their problems. The youth have little information also on the organization and functioning of the police.

Another acute problem reported by our correspondents has been the exploitation of children's work force. These reports point out the Roma children are the most exploited for banned labor. They beg in bars and restaurants and do not attend school.

Also, there have been reported cases of violations of the rights of special children. Observations in public schools have shown that the existence of about 50 children, suffering from disorders or other mental illnesses, but who are under no specialized treatment. The responsible health and psychiatric structures have not identified the cases of children with limited mental abilities. Although the rights of these children have been violated, the relevant organs or public institutions of this sector, have not taken responsibility.

Citizens' rights observance by local government

There have been observed problems in the administrative sector in the districts of Vlora, Gjirokastra, Elbasan and Korca. The status of civil employee is generally overlooked and the civil servants generally lack the required job qualifications of their occupation in the local government bodies.

There have been observed violations by the administration of these bodies of the right of the citizens to be informed regarding

official documents. In most of the cases, civil employees are not aware of a similar law, which is the reason why they do not apply it. The reports point out that violation of the decision-making right of every citizen in the daily and public activity of the local public administration, violates in turn the Code on Administrative Procedures. Other problems observed in these offices are irregularities in the public services offered to citizens. As a result, citizens have to wait in long lines and spend many hours in front of the public service offices. Our correspondent in Vlora also reports on many complains submitted by the citizens on Public Registry offices, regarding irregularities in the public services offered to citizens. There are also limitations on public information.

Our correspondent in Elbasan, pointed out in his report that the Tirana Municipality, by not applying the provisions of the law “For taxi services”, violated this law by penalizing taxi drivers from Elbasani.

Our correspondent in Gjirokastra points out in his report some positive aspects of the City Hall of this district. He highlights the existence of special structures in this city, which aim at handling directly the problems of the citizens. In this Municipality have been established public consultation groups (mainly including economists, civil engineers, etc). The local government posts from time to time different decisions taken by its organs. They has always been able to solve their citizens’ problems, such as in the case of the inhabitants of a quarter in Gjirokastra, complaining about the placement of an antenna of the mobile phone operator “Vodafone”, in their area.

In Kukes municipality, there have been observed some problems in public organs access by its inhabitants. The city population is not informed on the public working hours, posted decisions are out-of-date, being taken some time ago. The public reception offices, show no readiness to receive people, therefore in front of this office doors, there is a long line of people waiting for an appointment. Requests submitted near the offices of City Hall, mainly regard employment, welfare, housing, etc.

In Korca city, there are 8137 homeless families, 600 of who fall under the first category. There are also homeless families who currently live in the ex-owner’s property. Amidst these families there are some who are registered near the Municipality and according to a court decision, the owners are obliged to provide them with other housing. While families not registered at the respective Municipality

offices, might be thrown out of their houses by the owners of the premises they live in. The municipality of this district has made available 15 apartments for the homeless families, while submitted requests reach up to 500 hundred, which means the ratio is 1 to 35 families. The authorities have planned to put for sale 20 other apartments, at a higher price. There are also around 15 homeless families who actually live in the premises of the former Financial Enterprise facility, only two of which are registered as homeless near the respective Municipality office, while the rest remains still unregistered.

Citizens' rights observance by public health service organs

Our correspondents in Korca, Gjirokastra and Vlora have treated in their reports different problems observed in this sector, such as lack of medications, low food quality served to the patients, medic's corruption phenomenon, patient's discrimination, especially of the Rumanian ones. In comparison to some months ago, our correspondents have noticed some improvement in the supply of these institution with running water, electrical power, improvement of hygiene levels in the patients wards and elsewhere, better food quality served to the patients, etc.

Citizens' rights observance by police organs

Police violations of the citizens' rights were observed during this time in the cities of Gjirokastra and Korca. Our correspondent in Korca has condemned the ill-treatment of an Albanian citizen by the Greek police. The same correspondent has also reported violence exerted by the Rapid Reaction police forces of Korca city against the citizen G. Tahirllari [1], who later died. Our correspondent has immediately contacted with the competent authorities and also reported for the media, clarifying thus the AHC's stance regarding this case. There have been reported also cases of violations of human rights by the Korca city police, such as violation of the right of not interfering with one's home; questioning of minor children not in the presence of their parents.

AHC has received by its correspondents information on the state and range of problems in the pre-trial detention centers in the cities of Shkodra, Gjirokaster and Kukws. During observations made in these detention centers were identified the following problems: overcrowded centers, bad hygiene, lack of health services and social

workers' help. Also there were no special arrangements for women and juveniles, which although a special category there was lack of hygiene, etc. Our correspondent in Kukes reported on complains of Borje village regarding the brutal police behavior against the inhabitants of this village, after the escape of two detainees from the Kukes detention center. [2]

Citizens' rights Observance by private enterprises

Our correspondents in Gjirokastra and Elbasan have sent reports on issues observed in this sector. In their reports they have included also violations of the employees rights, who in most of the cases are not insured, work with poor safety measures. Our correspondents also noticed violations of the Labor Code. Our correspondent in Elbasan condemns the case of the employee of a Turkish enterprise, who partially lost his vision due to an accident at the workplace. The employee required indemnity from the Turkish firm, which made its utmost efforts not to pay them, denying in this way the employee's right to indemnity in case of injuries at the workplace.

The above observations were made in the last stage of the Project "AHC's district correspondents net", made possible by the SOROS Foundation.

EDUCATIVE AND AWARENESS ENHANCEMENT ACTIVITIES

During the first four months of year 2003, in the framework of the AHC mission on public education and awareness, were carried out few activities such as workshops on legal matters, meetings with public bodies and institutions, as well as publications aiming at informing public on human rights.

SEMINARS WITH TEACHERS AND PUPILS*



After all a professional preparatory work and based on the agreements signed between Albanian Helsinki Committee and Education directory of Tirana, Fier and Korca, 2 seminars for each city were carried out (one for teachers and one for selected pupils), during

March 2003.

Taking into considerations, the previous activities organised by AHC or other organisations, these training seminars aimed to give training to all the teachers (who teach social disciplines) from schools located in the rural areas as well to the core groups of pupils who will work with others under the supervision of their trained teachers.



During seminars with pupils of high schools

About 30 teachers attended each training. They have been selected from the local

* Seminars with teachers and pupils, the publication of training materials and the publication of the Guide "Welcome to the Albanian Judiciary System" were realized thanks to the support of the Swedish Helsinki Committee, in the context of the Project "Legal Education of the Youth Community".

education authorities. The local chiefs and the inspectors of social curricula attended the training.

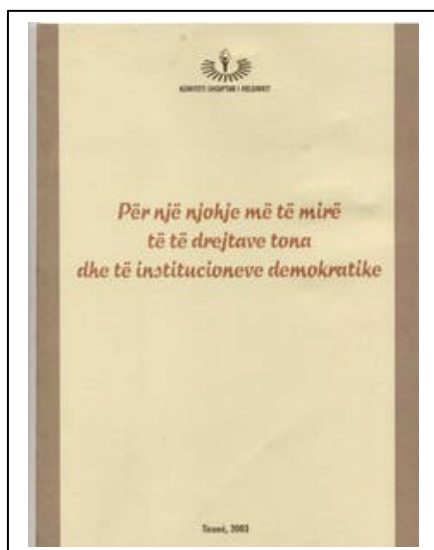
Regarding the training seminars with pupils, 40 pupils participated in each training. The methodology of the training was different from what was used with the teachers. The training was very practical and corresponded to the pupils the age and their everyday needs and situation.



For most of the participants this kind of activity was carried out in their school.

PUBLICATIONS

Preparation and Publication of the materials for the teachers' training



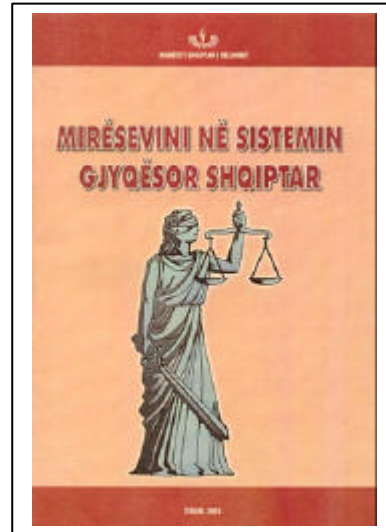
8 experts from different areas worked and prepared the materials from teachers. 8 selected areas are developed in this manual, such as Albanian Constitution and youth, Children rights & Family, police, crime and youth in different situation, the right to information, democratic institutions and rule of law, how we can use the respective and responsibility institutions; Youth and the right to work; protection of the childrens rights and practical

information how to exercise these rights etc.

This manual is about 100 pages and was printed in 500 Copies. It was delivered to the participants in the training as well as to the authorities and for all the schools libraries involved in the project (more than 40 schools)

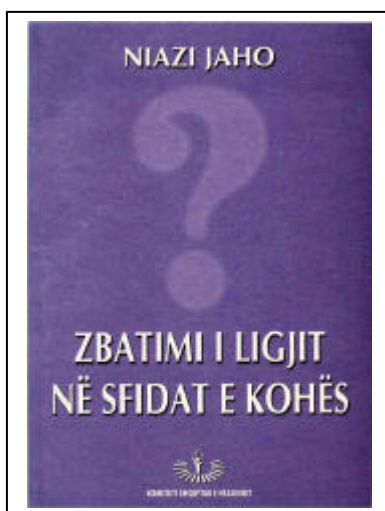
Preparation and publication of a guide “Welcome to the Albanian Judiciary System”

This small guide contains legal information for teachers and youth and everybody who want to know more about the courts and their function; the rights of the people in contact with judiciary, the role of People's Advocate and Constitutional Court. This publication was written in simple language and was printed in 1000 copies. It is very practical information as the way is presented because of the format and layout. A part of this guide was distributed to the pupils and teachers and schools libraries.



Publication on “Law enforcement and current challenges”

The publication “Law enforcement and current challenges” presents a collection of articles and interviews on current problems in the domestic legislative sector, prepared by Mr. Niazi Jaho, AHC Legal Advisor. This publication covers legal matters and issues, which have



been the reason of many recent debates in Albania, such as observance of the principle of balance and division of power as well as of the constitutional institutions, High Audit State Commission, the Ombudsman body, Prosecutions and Courts, as well as the transparency in the compilation of draft laws.

In this brief report on the content of this publication, we will highlight that its author reiterates once more the essential idea that conviction on the fairness or not of a law or special provision, and moreover the need for constitutional amends, is not build neither by slogans nor by statements or press conferences, but through comprehensive researches, constructive polemics and discussions, i.e. above all, through solid arguments.

This publication was made thanks to the financial support of the Norwegian Committee of Helsinki.

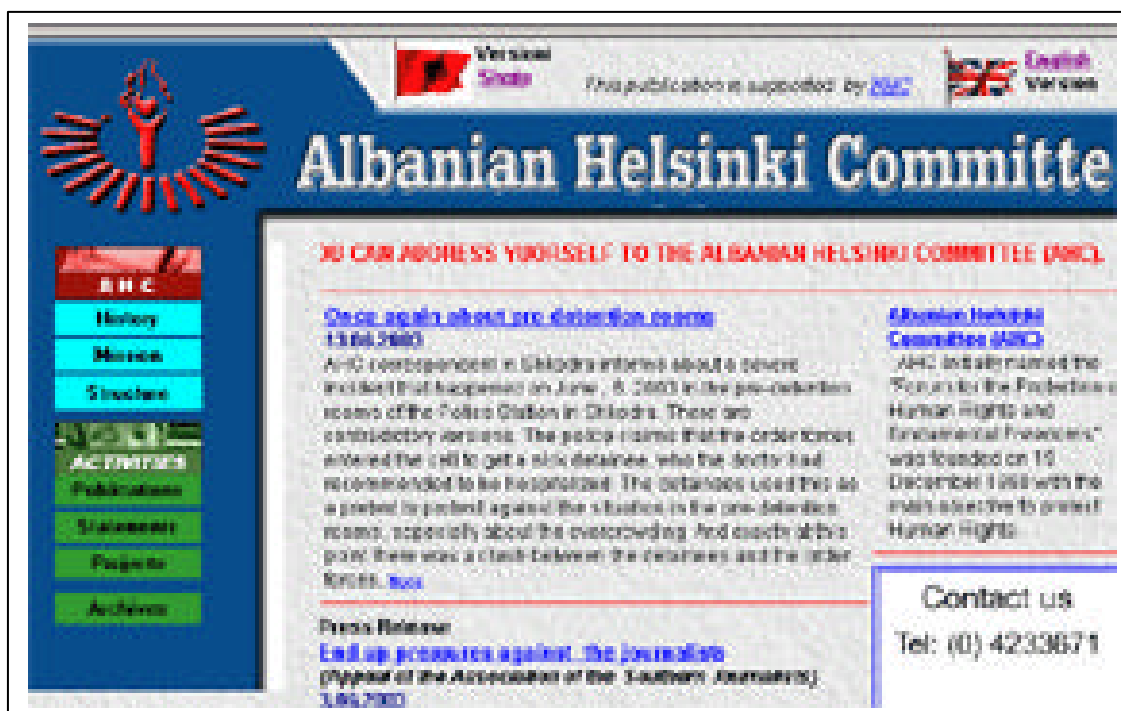
Enriching schools libraries

This is a new activity, which was included during the implementation of the project. It is a real need of all the schools in Albania to have a library and HR publications. Based on the request coming from the teachers during the preparatory meeting, AHC prepared for each schools as well as for each local education directory and inspector's offices an information with different AHC publications.



Our Internet Web Site

Have you ever 'clicked' at our Internet address? If you never opened the AHC new web page, then 'click' at www.ahc.org.al and be **the (1433) one thousand four hundred thirty-third's** visitor of this page.



The AHC's web page offers information on the work, activities and the role the Albanian Helsinki Committee plays in the Albanian society in fulfilling its mission: respecting and promoting of human rights and fundamental freedoms. There are published the latest public reactions regarding cases of human rights violations offering a "fresh" information for the public opinion. In the same time, we welcome any suggestion for improving our web presentation.

The publication of the AHC's web site is supported by the Norwegian Helsinki Committee in the framework of the Project "Capacity Building; Institutional Support".

| |
|---------------------|
| NEW PROJECTS |
|---------------------|

Project “Monitoring the execution of decree absolutes”

Independence of judicial system and observation of citizens' rights by justice organs has been and remain on of the main domains of operation of the Albanian Committee of Helsinki. Considering the challenges faced by the police, court and prosecution organs as well as the entire judicial system, and aiming at contributing in the improvement of the functioning of this system, and the observance of the rights of individuals in contact with these organs, starting from April 2003, The Albanian Committee of Helsinki has begun monitoring the execution of the decree absolute given by Tirana and Durres District Courts in 2002.

Through this activity, AHC aims at having a thorough knowledge on the special aspects of the execution of court decisions, objective and subjective difficulties faced by the Courts, Prosecutions, Bailiffs offices and other organs involved in different stages in the execution of court decisions, as well as to suggest ways to improve court decision execution procedures.

Another important aspect of the activity of the Committee in this sector, will be to acquire a fair knowledge of the penal legislation on the execution of court decisions, considering the need to complete and amend the legislation, in order for the laws to be as applicable in practice and to avoid difficulties arising from subjectivity, in their enforcement. On the other hand, AHC, through its conclusions and recommendations aims at promoting better cooperation and coordination between the main actors in the system of execution of court decisions and orders such as: police, courts, prosecution and Bailiff's offices, enabling better observance of the law and the rights of the parties involved in this process.

This project extends only to the cities of Tirana and Durres.

Various activities will be carried out in the framework of this project:

- ♦ Monitoring police stations and pre-trial detention facilities
- ♦ Monitoring the judicial secretariat in the District Court Houses of Tirana and Durres
- ♦ Monitoring the Bailiffs offices in Tirana and Durres
- ♦ Monitoring the Prosecutions Offices in Tirana and Durres
- ♦ Study of legislation on execution of court orders/decisions

Alongside monitoring the execution practice of court orders, AHC will pay special attention to public information and awareness enhancement on the citizens' rights and duties in relation to the judicial organs. This objective will be achieved by informing them on their rights guaranteed by law and available means, in case of their violation.

A guide book will be published, intended for common people with no legal background, to inform them on how does the system of the execution of court orders functions, as well as the complaining procedures on violation of their rights. This guide is also viewed as helpful for the employees in this sector.

The research and monitoring conclusions will be presented in a round table with the participation of guest experts in this sector, as well as representatives of relevant institutions in the execution procedures of court orders. AHC will present its necessary recommendations on law and practice improvement in the execution of court orders, depending on the issues raised during this meeting.

These activities are carried out as part of the project "Observation of decree absolute execution and consolidation of cooperation between responsible institutions". This project is implemented in the framework of the social society coalition against corruption, MSI, supported by USAID.

CONSTITUTIONAL COURT ABROGATES ARTICLE ON CPP, UPON AHC REQUEST

Albanian Committee of Helsinki addresses the Constitutional Court on 03.26.2003, requesting the abrogation of Article 410/2 of the law no. 7905, dated 03.21.1995, "On Code of Penal Procedures of the Republic of Albania", amended with the law no. 8813, dated 06.13.2002, considering it as non-constitutional. The amended law violated the rights of the individuals sentenced in absence, by denying his family members the right to authorize someone else to defend him in court.

The Constitutional Court accepted the above-mentioned request and in its decision no. 16, dated 04.17.2003, ruled the abrogation of this law, considering the group of words "from the defendant" not in concordance with the Constitution and international agreements stated in Article 410, second paragraph of the Code of Penal Procedure.



Published in "Koha Jonë" Newspaper, dated
27.02.2003

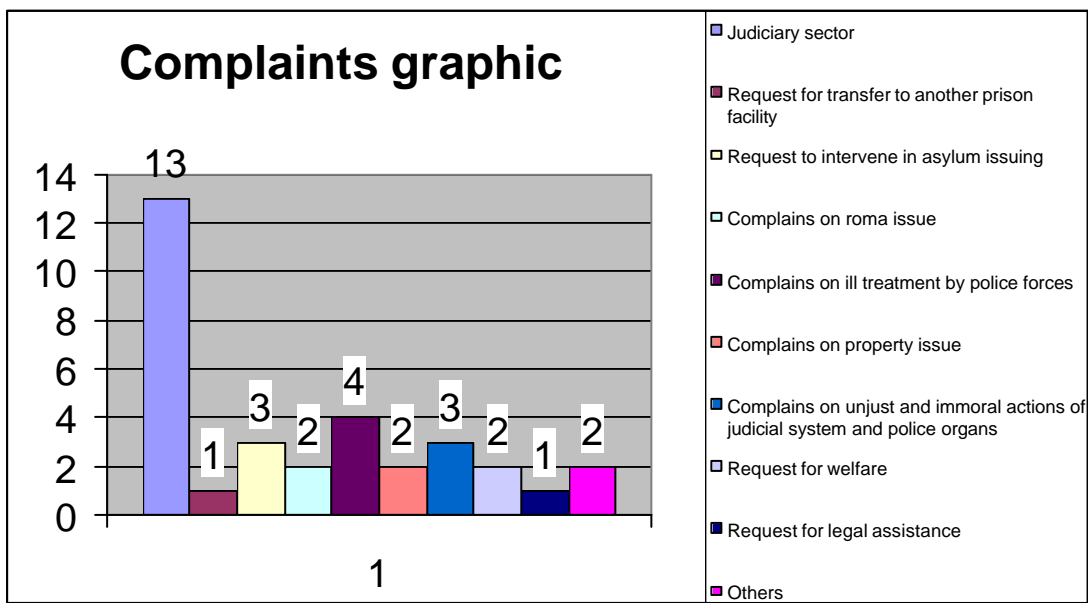
For the complete text of this verdict, see the report version in Albanian.

CITIZENS ADDRESSING AHC

Many citizens submitted their complains near the offices of the Committee in the first four months of year 2003. Our AHC office has received about 33 complains and requests/claims, the object of which have been violation of human rights, the majority of which occurred in the judicial sector. Citizens addressing AHC, have complained on unjust court decisions, unfair trial proceedings, violence exerted by state organ representatives and especially by police forces.

Following are complains categorized by sectors:

| | |
|---|----|
| 1. Judicial sector | 13 |
| Unjust court decision | 11 |
| Non-execution of court orders/decisions | 1 |
| Unfair trial proceedings | 1 |
| 2. Request for transfer to another prison facility | 1 |
| 3. Request to intervene in asylum issuing processes in different countries | 3 |
| 4. Complains from the "Amaro-Drom" Organization regarding the Roma community | 2 |
| 5. Complains on ill treatment by police organs | 4 |
| 6. Complains on propriety issues | 2 |
| 7. Complains on unjust and immoral actions of judicial system and police organs | 3 |
| 8. Request for welfare | 2 |
| 9. Request for legal assistance | 1 |
| 10. Others | 2 |



AHC has responded to these complains giving its necessary advices or presenting the competent authorities with a request for these case's examination.

AHC has not refused to reply to citizens' claims on problems outside the organization's field of activity. In this case, claimants have been advised on the method they should employ as well as the organs they can address, for a possible solution to their distresses.

An external evaluation of the AHC's work

For the Albanian Helsinki Committee, year 2003 started with an external evaluation of the work and activities carried out during the three last years period. Two external independent experts organised meetings with the staff, board, volunteers, partners and main coollaborators of the Committee. In this context, during a week period of time, experts met with representatives from governmental institutions, cholleagues and partners of AHC. This evaluation was requested by CORDAID, the AHC's partner and donor organisation during last two years.

At the end of the week evaluation results were presented and recommendations were given for a further improvement of the work, especially related with the strategic planning of the organisation. An important suggestion was that the Committee should make more publicity on its work and acitivities, which were evaluated as very proffesional.